



**DEPARTMENT OF THE NAVY  
HEADQUARTERS  
NAVAL CRIMINAL INVESTIGATIVE SERVICE  
27130 TELEGRAPH ROAD  
QUANTICO VA 22134-2253**

5720 2017-010046  
SER00LJF/17U1964  
September 22, 2017

Mr. John Greenewald, Jr.  
27305 W. Live Oak Road  
Suite #1203  
Castaic, CA 91384

Dear Mr. Greenewald:

This responds to your August 25, 2017 electronic Freedom of Information Act (FOIA) request seeking a copy of the November 10, 2016 Report of Investigation (Interim) to the Naval Criminal Investigative Service report cited as Case Control Number: 25APR16-DCWA-0113-7BNA.

We have recently obtained and completed the processing of the aforementioned report. Our review of this document reveals that it contains personal identifiers (such as names and social security numbers) of third parties, the release of which would constitute an unwarranted invasion of personal privacy. Accordingly, we must partially deny your request and withhold this information pursuant to the FOIA provisions 5 U.S.C. § 552(b)(6) and (b)(7)(C).

All releasable information is provided to you at enclosure (1). We have also provided an enclosure explaining the various exemptions of the FOIA.

As the official responsible for the partial denial of your request, I am advising you of your right to appeal this determination. Your appeal must be postmarked within 90 calendar days from the date of this letter and should be addressed to the Secretary of the Navy's designee: Office of the Judge Advocate General, (Code 14), 1322 Patterson Avenue, S.E., Suite 3000, Washington Navy Yard, D.C. 20374-5066. The envelope and letter must bear the annotation "FOIA Appeal". A copy of your initial request and a copy of this partial denial letter must accompany the appeal.

If you choose not to appeal, you have the right to seek dispute resolution services. You may contact the Department of the Navy's FOIA public liaison, Mr. Chris Julka, at [christopher.a.julka@navy.mil](mailto:christopher.a.julka@navy.mil) or (703) 697-0031 or the Office of Government Information Services (<https://ogis.archives.gov/>).

There are no assessable fees associated with the processing of your request. Should you have any questions, please contact us at (571) 305-9092 or via electronic mail at [ncis\\_foia@ncis.navy.mil](mailto:ncis_foia@ncis.navy.mil).

Sincerely,

FOIA COORDINATOR

Encl:  
(1) Documents



## **Explanation of the Nine FOIA Exemptions**

The following is a list of FOIA exemptions which apply to Government information in accordance with 5 U.S.C. § 552(b):

**(b)(1) EXEMPTION – Protects Classified Matters of National Defense or Foreign Policy.**

This exemption protects from disclosure national security information concerning the national defense or foreign policy, provided that it has been properly classified in accordance with the substantive and procedural requirements of an executive order.

**(b)(2) EXEMPTION – Internal Personnel Rules and Practices.**

This exemption exempts from mandatory disclosure records “related solely to the internal personnel rules and practices of an agency.” Courts have interpreted the exemption to encompass two distinct categories of information:

- (a) Internal matters of a relatively trivial nature – sometimes referred to as “low2” information: and

**(b)(3) EXEMPTION – Information Specifically Exempted by Other Statutes:**

This exemption incorporates the disclosure prohibitions that are contained in various other federal statutes. As originally enacted in 1966, Exemption 3 was broadly phrased so as to simply cover information “specifically exempted from disclosure by statute.” The new Exemption 3 statute prohibits agencies from releasing under the FOIA proposals, “unless that proposal” is set forth or incorporated by reference in a contract entered into between the agency and the contractor that submitted the proposal.”

**(b)(4) EXEMPTION – Trade Secrets Commercial or Financial Information.**

This exemption protects “trade secrets and commercial or financial information obtained from a person (this is) privileged or confidential.” This exemption is intended to protect the interest of both the government and submitter of information.

**(b)(5) EXEMPTION – Privileged Interagency or Intra-Agency Memoranda or Letters.**

This exemption protects “inter-agency or intra-agency memorandums of letters which would not be available by law to a party... in litigation with the agency.” As such, it has been construed to “exempt those documents, and only those documents, normally privileged in the civil discovery context.”

**(b)(6) EXEMPTION- Personal Information Affecting an Individual’s Privacy.**

This exemption permits the government to withhold all information about individuals in “personnel and medical files and similar files” when the disclosure of such information “would constitute a clearly unwarranted invasion of personal privacy.” This exemption cannot be invoked to withhold from a requester information pertaining to the requester.

**(b)(7) EXEMPTION – Investigatory Records Compiled for Law Enforcement Purposes.**

As amended, this exemption protects from disclosure “records or information compiled for law enforcement purposes.

EXEMPTION 7(A) Records of information that could reasonably be expected to interfere with enforcement proceedings. This exemption authorizes the withholding of “records or information compiled for law enforcement purposes, but only to the extent that production of such law enforcement records or information... could reasonably be expected to interfere with enforcement proceedings.”

EXEMPTION 7(B) Disclosure which would deprive a person of a fair trial or an impartial adjudication. Records that would prevent prejudicial pretrial publicity that could impair a proceeding, protect “records of information compiled for law enforcement purposes (the disclosure of which) would deprive a person of the right to a fair trial or an impartial adjudication.”

EXEMPTION 7(C) Personal Information in Law Enforcement Records. This exemption provides protection for personal information in law enforcement records. This exemption is the law enforcement counterpart to Exemption 6, providing protection for law enforcement information the disclosure of which “could reasonably be expected to constitute an unwarranted invasion of personal privacy.”

EXEMPTION 7(D) Identity of a Confidential Source. This exemption provides protection for “records or information compiled for law enforcement purposes (which) could reasonably be expected to disclose the identity of a confidential source – including a State, local or foreign agency or authority or any private institution which furnished information on a confidential basis – and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source.”

EXEMPTION 7(E) Circumvention of the Law. This exemption affords protection to all law enforcement information which “would disclose techniques and procedures for law enforcement investigation or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.”

EXEMPTION 7(F) Physical Safety to Protect a wide Range of individuals. This exemption permits the withholding of information necessary to protect the physical safety of a wide range of individuals. Whereas Exemption 7(F) previously protected records that “would... endanger the life or physical safety of law enforcement personnel.” The amended exemption provides protection to “any individual when disclosure of information about him or her “could reasonably be expected to endanger (his/her) life or physical safety.”

(b)(8) EXEMPTION – Records of Financial Institutions.

This exemption covers matters that are “contained in or related to examinations, operating, or condition reported prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.”

(b)(9) EXEMPTION – Geographical and Geophysical Information Concerning Wells.

This exemption covers “geological and geophysical information and data, including maps concerning wells.”

# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

10NOV16

BOMB THREAT (II)

CONTROL: 25APR16-DCWA-0113-7BNA/T

(b)(6), (b)(7)(C)

COMMAND/OFFICE OF NAVAL INTELLIGENCE/68166

MADE AT/DCWA/RESIDENT AGENCY WASHINGTON DC/ (b)(6), (b)(7)(C) SPECIAL AGENT

## REFERENCE(S)

- (A) NCISRA Washington, DC ROI (INTERIM) (Contains Exhibits 1-3)/18JUL16
- (B) NCISRA Washington, DC ROI (INTERIM) (Contains Exhibits 4-5)/16AUG16

## EXHIBIT(S)

- (6) IA: RESULTS OF LOCAL AREA CHECKS FOR (b)(6), (b)(7)(C) CIV/11JUL16
- (7) IA: RESULTS OF LOCAL AREA CHECKS WITH MILPITAS, CA POLICE DEPARTMENT/13JUL16
- (8) IA: RESULTS OF TELEPHONIC CONTACT WITH (b)(6), (b)(7)(C) CIV/19JUL16
- (9) IA: RESULTS OF INTERVIEW OF (b)(6), (b)(7)(C) CIV/29JUL16
- (10) IA: RESULTS OF INTERVIEW OF (b)(6), (b)(7)(C) CIV/29JUL16
- (11) IA: RESULTS OF TELEPHONE QUERY/17OCT16
- (12) IA: RESULTS OF ISSUANCE OF VICTIM WITNESS ASSISTANCE PROGRAM PAMPHLET/17OCT16
- (13) IA: RESULTS OF TELEPHONIC CONTACT WITH AUSA (b)(6), (b)(7)(C) 04NOV16

## EXECUTIVE SUMMARY

1. This reactive investigation was initiated on 20APR16 upon notification that the Office of Naval Intelligence (ONI), Suitland, MD had received a telephonic bomb threat. The threat had been called in to the Nimitz Operational Intelligence Center (NOIC) by a caller who identified himself as (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) indicated he had received an apparent combat injury and was owed money. If he was not paid, (b)(6), (b)(7)(C) allegedly threatened to "blow things up" and claimed there was a "bomb in Nimitz". (b)(6), (b)(7)(C) also made other unsubstantiated claims alleging ISIS had attempted to recruit him but he turned them down, and that he once worked for the CIA. As a result of (b)(6), (b)(7)(C) threats, the ONI building, which holds approximately 3,500 employees, was fully evacuated. (b)(6), (b)(7)(C) was subsequently questioned telephonically by ONI security, and he denied making the threat. The reported bomb threat was eventually deemed not credible and the evacuation was lifted. (b)(6), (b)(7)(C) was interviewed and asserted that (b)(6), (b)(7)(C) suffered a traumatic brain injury from a bicycle accident on 04SEP15. (b)(6), (b)(7)(C) was interviewed and he claimed the bomb threat was a misunderstanding and he would never threaten anyone who was

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# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 25APR16-DCWA-0113-7BNA/T

10NOV16

supporting the government. The US Attorney's Office, District of Maryland, Southern Division, declined prosecution against (b)(6), (b)(7)(C). The case is pending transfer to NCISRA Lemoore to determine prosecutorial interest in the Southern District of California.

## NARRATIVE

1. This reactive investigation pertains to suspected violations of 18 United States Code (USC) 1038 (False Information and Hoaxes).

2. References (A) and (B) documents all prior investigative activity to date.

3. On 11JUL16, (b)(6), (b)(7)(C) CIV, Santa Clara County, CA District Attorney's Office, advised that Santa Clara County had no records concerning (b)(6), (b)(7)(C) Exhibit (6) pertains.

4. On 13JUL16, Milpitas, CA Police Department (MPD) Records Division provided a copy of (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) Exhibit (7) pertains.

5. On 18JUL16, (b)(6), (b)(7)(C) was telephonically contacted in order to arrange an interview. (b)(6), (b)(7)(C) declined the interview at this time. However, on 19JUL16, (b)(6), (b)(7)(C) NFI, contacted NCIS Resident Agency (NCISRA) Lemoore in order to inquire about who called (b)(6), (b)(7)(C) on 18JUL16. (b)(6), (b)(7)(C) conveyed that he was (b)(6), (b)(7)(C) and taking care of him. (b)(6), (b)(7)(C) agreed to a face to face interview concerning (b)(6), (b)(7)(C) Exhibit (8) pertains.

6. On 27JUL16, (b)(6), (b)(7)(C) was interviewed by NCISRA Lemoore. (b)(6), (b)(7)(C) asserted that (b)(6), (b)(7)(C) was involved in a bicycle accident on 04SEP15, where he suffered traumatic brain injury. (b)(6), (b)(7)(C) advised that (b)(6), (b)(7)(C) displays unique behavior, verbal outbursts, and obsessive compulsive behavior; Exhibit (9) pertains.

7. On 28JUL16, (b)(6), (b)(7)(C) was interviewed by NCISRA Lemoore. (b)(6), (b)(7)(C) claimed he worked at the Office of Naval Intelligence (ONI) even though (b)(6), (b)(7)(C) asserted (b)(6), (b)(7)(C) was never employed there. (b)(6), (b)(7)(C) admitted he contacted ONI in April of this year, and jokingly told them he had an unidentified flying object. (b)(6), (b)(7)(C) broke down crying when he was told that he called in a bomb threat to ONI; Exhibit (10) pertains.

8. On 13OCT16, (b)(6), (b)(7)(C) CIV, Executive Director for Hopper Information Services Center (HISC), confirmed the National Maritime Intelligence Center (NMIC) Facility does not record incoming phone calls at Nimitz Operational Intelligence Center (NOIC); Exhibit (11) pertains.

9. On 13OCT16, YN1 (b)(6), (b)(7)(C) USN, Retired, was emailed a Victim Witness Assistance Program pamphlet, as YN1(b)(6), (b)(7)(C) was the individual who answered the initial phone call from (b)(6), (b)(7)(C) Exhibit (12) pertains.

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10. On 03NOV16, (b)(6), (b)(7)(C) Assistant United States Attorney, Southern Division, District of Maryland, was apprised of the investigation and queried for potential prosecutorial merit (b)(6), (b)(7)(C) provided a verbal declination for prosecution; Exhibit (13) pertains. On 10Nov16, Capt (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Chief of Staff, ONI was advised the status of this investigation. This investigation is being transferred to NCISRA Lemoore to determine prosecutorial interest, as (b)(6), (b)(7)(C) resides in the Southern District of California.

PARTICIPANTS

(b)(6), (b)(7)(C)

SPECIAL AGENT, RESIDENT AGENCY WASHINGTON DC  
SPECIAL AGENT, RESIDENT AGENCY LEMOORE

ACTION

R.SWLM: Assume case control.

DISTRIBUTION

NCISHQ:0023

ACTION:SWLM

INFO :SWLM/SWFO/DCFO/ONI Legal (b)(6), (b)(7)(C) General  
Counsel) (H)/DCWA

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PAGE 3 ~~LAST~~ (b)(6), (b)(7)(C) LNN

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